Single Bench (1) (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 206 /2005

PETITIONERS

1. Dilip Kumar Sharma, aged 34 about years, son of Late Shri Baldau Prashad Sharma, teacher, Janpad Primary School, Sukulkari, Block Development Masturi, Distt. Bilaspur (Chhattisgarh), Presently resident of side of Post office, Masturi, Distt. Bilaspur. (Chhattisgarh)

2. Neelkanth Rathaur, aged about 37 years, son of Shri Jivrakhan Lal Rathaur, teacher, Janpad Primary School, Jairamnagar, Block Development Masturi, Distt. Bilaspur (Chhattisgarh)

3. Ishwar Singh Rathaur, aged about 37 years, son of Shri C.R. Rathaur, teacher, Janpad Primary School Okhar, Block Development Masturi, Distt. Bilaspur (Chhattisgarh.

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through : the Secretary, Department of School Education, D.K.S. Bhawan, Raipur (Chhattisgarh)

2. The Deputy Director, Education, Janjgir-Champa (Chhattisgarh)

(4) (2)

WRIT PETITION UNDER ARTICLES 226 / 227 OF THE CONSTITUTION OF INDIA, 1950 FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC. AND FOR APPROPRIATE ORDER / ORDERS, DIRECTION / DIRECTIONS.

(33)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. No. 206 of 2005

Petitioners : Dilip Kumar Sharma & others

-Versus-

Respondents : The State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Present: Shri P. Tiwari, Advocate for the petitioners.
Shri Satish Gupta, Deputy Govt. Advocate for the respondents.

ORDER

(Passed on this 28th day of February, 2007)

1. The petitioners were appointed as Assistant Teacher on fixed pay of Rs. 1200/- vide orders dated 6.7.1995, 7.7.1995 and 6.7.1995, respectively. After completion of two year's probation, they were granted regular pay scale.
2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the

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Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in Aeman Jain Vs. The State Government of Chhattisgarh & another (W.P. No. 1463 of 2006) by order dated 10.11.2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Aeman Jain (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur